



MARYLAND DEPARTMENT OF JUVENILE JUSTICE

SECRETARY'S DIRECTIVE

OPI: Office of Professional Responsibility and Accountability - Child Advocacy Unit
NUMBER: SD - D1310-01-01
EFFECTIVE DATE: 10/01/01
SUBJECT: Child Advocacy Grievance Policy

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1. **PURPOSE AND SCOPE.** The Department of Juvenile Justice (DJJ) Secretary establishes this Child Advocacy Grievance Policy and standard procedures for a DJJ public or private program to follow when an individual files a formal complaint that indicates an unjust circumstance or action against a youth under DJJ jurisdiction.
2. **POLICY.** It is the Department of Juvenile Justice (DJJ) policy to provide a responsive Child Advocacy Grievance process that permits an individual to file a grievance for a circumstance or action considered to be unjust for youth under DJJ jurisdiction. These circumstances include, but are not limited to, alleged acts of staff or youth abuse, acts of neglect, inappropriate discipline or provision of programs and services.
3. **PROGRAM OBJECTIVES.** The expected results of this policy are that DJJ public and/or private programs:
 - a. Establish a general process to receive and address grievance reports of acts or situations with potentially negative impact on a DJJ youth's progress towards becoming a self-sufficient productive adult;
 - b. Protect and advocate for the basic rights of DJJ youth;
 - c. Treat youth under DJJ jurisdiction equitably and humanely;
 - d. Examine and provide appropriate resolution on all youth grievances and maintain confidentiality of all documents according to law;
 - e. Encourage youth, child advocates and staff to resolve complaints informally, whenever possible, while protecting an individual's right to use the formal Child Advocacy Grievance Procedure to seek satisfactory resolution of a complaint.
4. **AUTHORITY.**
 - a. Annotated Code of Maryland Article 83C, § 2-102, 2-111, 2-117, 2-118, 2-120, 2-123, and 2-124;
 - b. COMAR 16.05.01, COMAR 01.04.04;
 - c. DJJ Policy, 01.01.13 Reporting Child Abuse and Neglect;
 - d. Secretary's Directive, SD E-01-01, Emergency and Critical Incident Reporting;
 - e. DJJ Standards of Conduct & Disciplinary Process 2.31, Confidential Nature of

- f. Delinquent Youth, Offender or Juvenile History Files;
DJJ Standards for Juvenile Detention Facilities, 2.4.

5. **DEFINITIONS.**

- a. *Area Director* means the DJJ staff classified as such and assigned to manage a large geographic area of the DJJ Community Justice Operations.
- b. *Child Advocate* means an individual who works on behalf of youth under the DJJ jurisdiction to ensure youth needs are met and their rights upheld throughout DJJ operations.
- c. *Community Justice Case Manager* means the Juvenile Counselor or other staff assigned to perform overall case management responsibilities for youth under DJJ jurisdiction.
- d. *Complaint* means an individual's expression of dissatisfaction with any area of activity under DJJ authority.
- e. *Grievance* means an individual's formal filing of a complaint due to a circumstance or action considered to be unjust. A grievance includes, but is not limited to, an alleged act of staff or youth abuse, an act of neglect, inappropriate discipline, failure to provide a required program or service.
- f. *Program* means a residential or nonresidential facility or activity operated by the DJJ or a private or public vendor that is directly involved with the care and treatment of youth under DJJ jurisdiction, or a facility or activity licensed and/or certified by the DJJ.
- g. *Program Case Manager* means a program employee with primary responsibility for ensuring DJJ youth receive all appropriate evaluations and services necessary to meet a youth's needs while in residential placement.
- h. *Program Manager* means a program's staff with primary on-site management responsibility for a program providing care, supervision, or treatment of youth under DJJ jurisdiction.
- i. *Secretary* means the DJJ Secretary/Designee.
- j. *Working Day* means every day excluding Saturday, Sunday and State holidays.
- k. *Youth* means an individual who is under the jurisdiction of DJJ.

6. **ACTION REQUIRED.**

a. **Grievance Process**

(1) **Program Staff Responsibilities**

- (i) Program staff shall understand the Child Advocacy Grievance Procedure and be able to answer a youth's questions regarding any aspect of the process.
- (ii) Program staff shall advise and help youth start the Child Advocacy Grievance Process when youth request to file a grievance.
- (iii) Program staff shall report allegations according to the Department's policies 01.01.13 (Reporting Child Abuse and Neglect) and SD E-01-01 (Emergency and Critical Incident Reporting) and where

- applicable, State Law.
- (iv) Program staff shall never inhibit a youth from pursuing the Child Advocacy Grievance Procedure, or retaliate against a youth for filing a formal grievance.
 - (v) Program Managers shall provide youth sufficient grievance forms to use when they elect to file a grievance and shall designate a secure location to place the completed forms (Residential programs shall install locked boxes on each living unit).
 - (vi) Program Managers shall require appropriate Program Staff to explain the Child Advocacy Grievance Procedure to all youth during program orientation and require the appropriate Community Justice Case Manager to explain the procedure during the initial orientation to supervision.
 - (vii) Program Manager shall establish internal written grievance procedures according to this policy and require the proper management and accounting of a complaint involving DJJ youth.

(2) The DJJ Child Advocate

- (i) A DJJ Child Advocate shall function as the youth's nonlegal representative whenever a youth files a grievance, or when the advocate is aware of situations that present possible harm to DJJ youth.
- (ii) A DJJ Child Advocate shall interview youth or other individuals who file a grievance and assess the exact nature of a complaint.
- (iii) A DJJ Child Advocate shall help a youth or other individual initiate the five-step grievance procedures and file the proper forms when youth expresses a desire to file a grievance. When a DJJ Child Advocate decides a complaint is less serious in nature, they shall work to resolve a complaint or problem informally. However, an individual shall always have a right to file a formal grievance.
- (iv) A Child Advocate overseeing a formal grievance may transfer the case to a Child Advocate assigned to the location where a youth is transferred or released, if a program has not resolved a youth's initial grievance before their transfer or release.
- (v) A Child Advocate shall require a Program Manager to maintain adequate supply of grievance forms at each program location.
- (vi) A Child Advocate shall record and maintain grievance documentation using Form DJJ-00-05 (attached). These reports shall include the complaint and a summary of evidence presented to the Child Advocate about the complaint. In preparing the report, the Child Advocate shall record possible violations of law, regulation, DJJ standard, or policy and report allegations/incidents according to DJJ policy 01.01.13 (Reporting Child Abuse and Neglect) and SD E-01-01 (Emergency and Critical Incident Reporting).
- (vii) If a Child Advocate witnesses inappropriate or illegal actions on the part of a staff member, a Child Advocate shall submit a written

report of such action to the Assistant Director of the Investigations and Child Advocacy Unit, to the appropriate Program Manager and as required by DJJ policy 01.01.13 (Reporting Child Abuse and Neglect) and SD E-01-01 (Emergency and Critical Incident Reporting).

(3) Formal Grievance Steps

(i) Step 1 - Initiation of a Grievance

- (a) An individual may initiate a grievance at any time by contacting a Child Advocate or requesting that a Community Justice Case Manager or Program Staff contact a Child Advocate as soon as possible.
- (b) A Program Staff or a Community Justice Case Manager shall contact a Child Advocate of a grievance request no later than the beginning of the Child Advocate's next working day and shall provide a grievance form to a youth or other individual immediately upon request.

(ii) Step 2 - Youth Interview

The Child Advocate shall meet with a youth as soon as possible when notified that a youth expresses desire to initiate a grievance, obtain the facts and seek prompt resolution.

(iii) Step 3 - Child Advocate Investigation and Mediation

- (a) When a Child Advocate is unsuccessful at resolving a grievance at Step 2, they shall contact all involved parties within five (5) working days of meeting with the youth, investigate the facts and attempt to mediate a positive resolution to the grievance.
- (b) If this attempt is unsuccessful, a Child Advocate shall send written notice of the need to hold a Step 4 Conference to the appropriate Program Manager.

(iv) Step 4 - Conference with All Parties

- (a) The appropriate Program Manager shall hold a Step 4 Conference with all involved parties within three (3) working days of receiving from a Child Advocate's written notice of the need to hold a Step 4 Conference .
- (b) A Child Advocate shall coordinate the scheduling of the conference and notify all appropriate persons of the meeting date, time and location. When a youth is still under the Department's jurisdiction, but released or transferred to

another location, a Child Advocate shall ensure the conference is scheduled in a location that provides convenient access for the youth to attend.

- (c) The appropriate Program Manager shall render a written decision within three (3) working days of holding the conference and notify all appropriate parties of their decision and right of appeal to the Assistant Secretary/Designee of Residential Services for facility grievances or the appropriate Area Director for community-based grievances.

(v) Step 5 - Appeal to the Assistant Secretary/Designee for Residential Services or appropriate Area Director

- (a) The Child Advocate shall forward the residential grievance directly to the Assistant Secretary/Designee of Residential Services, or to the appropriate Area Director/Designee for review and decision if the Program Manager fails to hold the conference within three (3) working days, a grievance is filed against the Program Manager, or a youth, or their parent/guardian files a written appeal of the Program Manager's Step 4 decision.
- (b) The Assistant Secretary/Designee of Residential Services, or appropriate Area Director/Designee shall hold the conference with the appropriate parties within five (5) working days of receiving notification from the Child Advocate, determine the facts and notify all parties of their decision on the case and right of appeal to the DJJ Secretary/Designee.

(vi) Step 6 - Appeal to the Department of Juvenile Justice Secretary/Designee

- (a) The Child Advocate shall submit the case in writing to the DJJ Secretary/Designee within three (3) working days upon receiving a written appeal of the Assistant Secretary/Designee or Area Director/Designee's decision.
- (b) The DJJ Secretary/Designee shall, within ten (10) working days of receiving the initial appeal, conduct a review of the documentation submitted by a Child Advocate and any additional information deemed appropriate, render a decision and notify all parties of the Department's final decision on all appeals. Notification shall include, but not be limited to, the youth and their parent/guardian, Child Advocate, Assistant Secretary, Area Director and the Governor's Office for Children, Youth, and Families, Office of Independent Juvenile Justice Monitor.

b. Record Documentation

- (1) Programs shall use the DJJ-00-05 form to document all grievances.
- (2) Programs shall maintain file documentation and records of grievances involving DJJ youth in a manner that provides confidentiality and security.
- (3) Programs shall keep completed copies of the DJJ-00-05 form within the youth's case file and make said files available to the DJJ upon request.
- (4) Programs shall maintain a master roster of all complaints and grievances filed to include, but not limited to: Person filing a grievance, DJJ involved youth, types of grievances, date filed, date resolved, and highest step used to resolve the grievance.
- (5) The Department's Child Advocacy Unit shall maintain a data-base of all grievances and appeals filed and include the final disposition on each case. The data-base must also include information of all individuals copied on appeals including, but not limited to those forwarded to the Independent Juvenile Justice Monitors at the Governor's Office For Children, Youth, and Families.

c. Legal Representation

- (1) A youth may seek legal counsel at any stage of the grievance procedure.
- (2) The Department of Juvenile Justice shall not provide an attorney for the youth.
- (3) If a youth retains an attorney, the Child Advocate shall no longer represent the youth in the grievance.

d. Additional Provisions

- (1) This policy does not modify the legal rights of a youth or the youth's access to a court.
- (2) The grievance procedure may not:
 - (i) Offer an Administrative Hearing;
 - (ii) Be governed by the contested case provisions of State Government Article, Annotated Code of Maryland; or
 - (iii) Include decisions made through the Department of Juvenile Justice Disciplinary Appeals Process.

7. EFFECTIVE DATE.

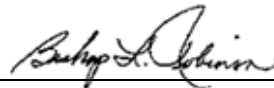
This directive is effective on 10/01/01 and shall remain in effect until rescinded by the Secretary.

8. DIRECTIVES/POLICIES AFFECTED.

- a. Directives/Policies Rescinded - **05.13.04** - Youth Grievance Procedures
01.13.04 - Child Advocacy Grievance Procedures
- b. Directives/Policies Referenced- **01.01.13** - Reporting Child Abuse and Neglect
SD E-01-01 - Emergency and Critical Incident Reporting

9. FAILURE TO COMPLY.

Failure to obey a Secretary's Directive and/or policy issued with this document shall be grounds for disciplinary action up to and including termination of employment.



Bishop L. Robinson
Secretary

Appendixes- 1

- 1. Child Advocacy Grievance Form - DJJ-00-05



MARYLAND DEPARTMENT OF JUVENILE JUSTICE
OFFICE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY
Child Advocacy Unit

Grievance Form - Step I - Intake

Grievance No. _____ - _____ - _____

YOUTH NAME: LAST _____ FIRST _____	D.O.B. _____ MONTH DAY YEAR
FACILITY / PROVIDER: _____ UNIT: _____	
GRIEVANCE / COMPLAINT: What happened? Provide a detailed description of your GRIEVANCE below. Please PRINT clearly. _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____	
STAFF INVOLVED: _____ _____	
OTHER YOUTH INVOLVED: _____ _____	
RESOLUTION DESIRED: What do think is a fair solution to your complaint? Please PRINT clearly. _____ _____ _____ _____ _____	
_____ YOUTH SIGNATURE	_____/_____/_____ MONTH DAY YEAR

MARYLAND DEPARTMENT OF JUVENILE JUSTICE
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Child Advocacy Unit

Grievance Form - Step II - Youth Interview

Grievance No. _____ - _____ - _____

YOUTH NAME:

LAST _____ D.O.B. _____
FIRST _____ MONTH _____ DAY _____ YEAR _____

INTERVIEW:

RESOLUTION: What was the final resolution of this grievance?

DATE OF RESOLUTION: _____
MONTH _____ DAY _____ YEAR _____

YOUTH SIGNATURE

_____/_____/_____
Month Day Year

CHILD ADVOCATE SIGNATURE

_____/_____/_____
Month Day Year

CASE MANAGER / P.O. NOTIFICATION

_____/_____/_____
Month Day Year

TIME: ____

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Grievance Form - Step III - Investigation & Mediation

Grievance No. _____ - _____ - _____

CHILD ADVOCATE INVESTIGATION AND MEDIATION:

RESOLUTION: What was the final resolution of this grievance?

DATE OF RESOLUTION: _____ / _____ / _____
Month Day Year

CHILD ADVOCATE SIGNATURE

_____/_____/_____
Month Day Year

CASE MANAGER NOTIFICATION

_____/_____/_____
Month Day Year

TIME: _____

Grievance Form - Step IV - Notice of Conference with All Parties

Appendix 1 - Child Advocacy Grievance Form - DJJ-00-05- Page 4 of 6

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Child Advocacy Unit

***Grievance Form - Step V - Appeal to Assistant
Secretary/Designee for Residential Services or Appropriate
Area Director***

Grievance No. _____ - _____ - _____

Written Appeal Received by Assistant Secretary: _____ / _____ / _____
Month Day Year

Written Appeal Received by Area Director: _____ / _____ / _____
Month Day Year

Conference Meeting Date: _____ / _____ / _____ TIME: _____ LOCATION: _____
Month Day Year

Assistant Secretary/Area Director Review and Decision:

Month Day Year
Assistant Secretary/Area Director

Grievance Form - Step VI - Appeal to Secretary/Designee

Appeal Received by Secretary/Designee: _____

_____/_____/_____
Month Day Year

Secretary / Designee

Appendix 1 - Child Advocacy Grievance Form - DJJ-00-05- Page 6 of 6